

Birth Control Fight Said to Involve City

City Is Drawn Into Controversy as a Corporation Because of Acts of Its Agents, Assert Lawyers

Birth Plans Action

Birth Control Union Asks Hylan to Outbid Dolphin for Ordering Mrs. Rublee's Arrest

The City of New York as a corporation, attorneys said yesterday, is now involved in the birth control controversy by reason of the alleged action of its agent, W. Martin Dolphin, assistant corporation counsel, in ordering the arrest of Mrs. Juliet Barrett Rublee.

Paul D. Cravath, 52 William Street, is called a conference in his office tomorrow morning to consider the arrest by the police of Mrs. Rublee, who is the vice-chairman of the American Birth Control League. The conference will be attended by Mrs. Rublee's husband, George Rublee, a broker, and attendance also, will be witnesses to Mrs. Rublee's arrest at police headquarters, her arraignment and the disposal of her case by Magistrate Peter J. Batting, in Tombs court.

What action Mr. Cravath will decide to take could not be learned definitely yesterday, but it was predicted that he would demand the removal of public employes of every person in any way involved in the stopping of the Town Hall birth control meeting of November 13.

Filing of Responsibility

Mr. Cravath is known already to be investigating, in an effort to learn what organizations and corporations are involved by their agents in the alleged high handed and unwarranted procedure of the police and public informants against the American Birth Control League. The International Birth Control Conference and members of either or both organizations.

Mr. Rublee was on his way from Washington last night to advise with his wife and attend the conference tomorrow morning. He was engaged in business in that city when word of his wife's plight reached him.

"I cannot understand how the police could be so ignorant as to do such a thing," Mrs. Rublee quotes her husband as saying. He said further that he had no idea of dropping the matter of his wife's arrest until he had full satisfaction. It was said that every one in any way responsible for what is regarded by the birth control organization as the high-handed methods of the police will be called upon in court to answer.

Mrs. Rublee asserted yesterday that her arrest without warrant and, according to Magistrate Batting's ruling without evidence, on a charge of violating Section 1,142 of the New York penal code had not made her heart-broken.

"I am not in the least intimidated," she said. "I am not at all nervous. In fact, I never felt better in my life. All day long I have been receiving messages of congratulation on my adventure. Every one who has called me or talked to me has expressed the same opinion, that my arrest was per-

secution and an attempt at intimidation."

Dolphin's Removal Urged

Demand was made on Mayor Hylan yesterday by the American Civil Liberties Union for the immediate removal from office of Dolphin, who is assigned to Police Headquarters. The formal demand was in the form of a long letter to the Mayor, signed by Albert D. Sullivan, associate director of the union. The letter declared Dolphin "lacks either the capacity or the courage to perform his public duties."

The Mayor is also said to direct Chief Inspector William J. Lahoy to proceed at once with the investigation of the stopping of the Town Hall meeting which was in progress when Mrs. Rublee's arrest is charged to have been made to bring about an abrupt close.

The letter, after reviewing the events at Town Hall on the night of November 13, when Mrs. Margaret Sanger, birth control leader, and Miss Mary Winders, a speaker, were arrested, reads as follows:

"The charges against both these defendants were, of course, dismissed at once by Magistrate Joseph Corrigan as being utterly without foundation."

The letter then reviews the petition of the Birth Control League and Civil Liberties Union in demanding an investigation, and the events up to and including the arrest and arraignment of Mrs. Rublee. The letter proceeds:

"The arrest of Mrs. Rublee was caused by Assistant Corporation Counsel W. Martin Dolphin, who ordered the arresting officer to state that he made the arrest upon his own responsibility. Mr. Dolphin declined until later to divulge his identity, evidently because he feared to take the responsibility for his own actions. It is hard to tell which to condemn most, Mr. Dolphin's unjustified use of arbitrary authority or his attempt to evade responsibility. In either case one can conclude that he lacks either the capacity or the courage properly to perform his public duties."

Analysis of Hearings

Furthermore, no one who was present at both hearings could fail to be impressed by the fact that the chief inspector made no serious attempt to fix responsibility for the unlawful action of the police on November 13.

"In such a situation, I take the liberty of suggesting that decisive action by the city's Chief Executive is imperative. Three innocent citizens have already been arrested and detained without the slightest justification. Circumstances surrounding the latest of these arrests raises an insuperable inference that its purpose was to intimidate the victims of the first two and to prevent them from pressing their legal claims for redress and seriously impugn the good faith of the impending investigation. If the matter is to be settled in a manner satisfactory to the sense of justice of the people of this city certain steps are called for at once. I venture to suggest them to you."

"Mr. Dolphin should be removed forthwith from his present position."

Further Inquiry Asked

"In order that the Chief Inspector may not take advantage of the commotion caused by Mrs. Rublee's arrest to delay or drop the pending investigation, he should be directed to proceed with it at the earliest possible moment."

"The Chief Inspector should be directed to summon to the investigation all witnesses whose testimony may tend to shed light on the cause of the action of the police on November 13."

"If any member of the police force is found to have exceeded his lawful authority, proper disciplinary action should be taken at once."

"There should be formulated and published definite regulations governing the policy of the police in respect to public meetings, so that such a situation may not be permitted to arise in the future."

In conclusion, the letter says the American Civil Liberties Union is concerned not with furthering the cause of birth control, but is interested only in the question of lawful assembly and free speech.

East-West Accord Needed, Is Opinion Of Rockefeller Jr.

Declares on Return From Orient All Will Be Helped if Japan, China and Occident Settle Issues Amicably

John D. Rockefeller Jr. on his arrival in New York yesterday from China, where he attended the opening of the Peking Union Medical College, spoke optimistically of problems confronting the nations of the Orient. He said that leaders in China and Japan were cognizant of the fact that in friendship between their countries and the Western world the solution to these questions were found.

"China has her problems," Mr. Rockefeller said. "So have we, and every other nation. I believe firmly that a people who for more than 3,000 years have overcome every difficulty in their national life will be able to adjust themselves, internally and externally, to the new conditions of modern civilization and come through the re-birth all the stronger."

"One cannot be long in Japan without being struck with the high standards of education which the nation has established. In medical science Japan has attained great proficiency and has made important contributions toward the solution of the world's problems in the prevention and cure of disease."

"One is impressed, furthermore, with the efficiency of the Japanese people and with their industry, as well as with the rapidity with which they have taken hold of the developments of modern science and whatever in Western civilization has seemed of value to them."

"My visit to China and Japan has made me most optimistic as to the future of these two great nations, whose leaders are increasingly alive to the fact that in friendly relations with each other and the Western world is to be found the greatest assurance of national solidarity and commercial prosperity."

China, Japan and the Western world cannot afford to be anything but the best of friends, associated in the closest and most reciprocal relationships of mutual helpfulness. Each has much to contribute to the common interest of the others. In the measure in which these contributions are made and received in a spirit of sympathetic understanding, good will and fairness, the outcome will be satisfactory or disappointing."

Bronze Doors to Perpetuate Memory of Stanford White

A pair of bronze doors in memory of Stanford White, the architect, will be unveiled at Gould Memorial Library at New York University next Saturday, other and in Western world is to be found the greatest assurance of national solidarity and commercial prosperity."

C-7 to Test Use of Helium Gas In Long Flight Tomorrow

WASHINGTON, Dec. 3.—All preparations were completed today for the first long distance flight of the non-rigid airship C-7, to test the practical use of helium gas, the non-inflammable material for envelope inflation, which can be produced in sufficient quantity by the American government for all war purposes.

The C-7, under the command of Lieu-

tenant Commander Zachary Lansdowne, will start from the naval air station at Hampton Roads, Va., early Monday morning for a flight to Washington. The giant airship is expected to reach here before 9 o'clock. A flight will be made over Mount Vernon, the Lincoln Memorial, Potomac Park, the Washington Monument, and around the Capitol dome before alighting at Bolling Field, the army air station. The craft made two short experimental flights last week.

Sutton Place Colonists Dine in Huge Boiler

Luncheon by Steam Corporation Shows What Is Being Done to Eliminate Cinders

Luncheon, served in a giant boiler, was offered residents of the Sutton Place colony yesterday by the New York Steam Corporation at its power house, Fifty-ninth Street and East River.

The purpose was to give the corporation, which supplies steam to six hospitals and numerous private homes, an opportunity to show its neighbors the progress made in an effort to eliminate smoke and cinders. The table was laid in one of two newly constructed sixty-foot boilers on a temporary platform built over the grates, with the boiler tubes stretching twenty feet above the heads of the guests.

Major Frederick Pope, first vice-president of the corporation, acted as host, and the guests were Judges and Mrs. Philip McCook, Dr. Lewis A. Coffin, Lewis A. Coffin Jr., Mott B. Schmidt, the Misses Hyatt, Miss McDonough, Miss M. B. Gage, Miss Isabel Cammann, Mr. and Mrs. T. A. Reynolds, Mr. and Mrs. George D'Ussay, Mr. and Mrs. Lewis A. Britt, James Duggin, Mr. and Mrs. H. A. Weber, Dr. and Mrs. Charles Caulfield, Mr. and Mrs. George F. Hurd, Mr. and Mrs. James D. Hurd, Mrs. Frederick Pope, Alderman Farley, Dr. Kenneth Taylor and Mr. and Mrs. Foster Kennedy.

Morgan Asks Hospital Aid

Says Lack of Funds Would Kill Public Ambulance Service

William Fellows Morgan, chairman of the executive committee of the United Hospital Fund, in a statement issued yesterday, told of the hardships that the city would suffer if the hospitals were forced because of lack of funds to abandon their public ambulance service.

"There are 109 ambulances in the city in the public emergency service," he said. "Some of them are attached to city hospitals, but most of them belong to private hospitals. The bulk of the ambulance service, in other words, is carried on by private hospitals. Such service is a public duty which our great hospitals are proud to render, but it takes money. The hospital which are members of the United Hospital Fund provide 40 per cent of the ambulance service of the city."

"Should our hospitals, through indifference on the part of the public, be compelled to eliminate their public ambulance service it would result in inconceivable suffering for the city, and the danger is by no means remote."

\$4,000 Paid for Rare 16th Century Tapestry

Closing Day's Session of Hess Sale at American Galleries Nets \$64,430

A sixteenth century Flemish tapestry, portraying a warrior group in most distinctive design and color, was sold for \$4,000 yesterday at the closing auction session of the Hess sale at the American Art Galleries. This session was featured by the offering of an important group of Beauvais, Aubusson, Flemish and Gothic hangings, and brought for these and other artistic furnishings, including period furniture, a total of \$64,430. The contents of the catalogue realized \$74,690.

A standing figure of a Roman in armor, flanked by another seated holding a halberd, and others seated on horseback in front of an architectural and floral background, is the center composition of the Flemish piece, which is included in a rich medallion and enfolded border. O. Bernet, acting agent for a private purchaser, was the buyer.

Besides the pair of beautifully carved Italian bronze torches of the seventeenth century, which went to the same bidder for \$2,000, a most important furniture lot was the pair of French seventeenth century walnut armchairs in petit and great point covering which was sold to Isaac T. Mann for \$1,540.

The cylindrical upper portions of the torches, shaped as festooned vases, bear the full-length figures of the Muses, horses and nymphs, the bases having female caryatids supporting floral festoons.

Court Sets Aside Verdict In Thomas Divorce Suit

Justice Young Reverses Dismissal of Attorney's Action, Citing False Testimony

WHITE PLAINS, N. Y., Dec. 3.—Supreme Court Justice Young, in a decision today, set aside the verdict of a jury last June exonerating Mrs. Edna Waddell Thomas of a charge of adultery and dismissing the divorce suit of Abel C. Thomas, a New York attorney.

Mrs. Thomas was formerly an actress and was twice married to her first husband, Julius Epstein, and twice divorced from him. In his divorce, Thomas accused his wife of misconduct with her former chauffeur, Elmore Kelsch.

In his decision today Justice Young said that William Burke, a witness at the trial of the suit, had testified that the plaintiff in his presence had offered to give Kelsch \$2,500 if he would "frame" Mrs. Thomas, but that in an

affidavit on August 24, 1921, said that his previous testimony was wholly false.

Mrs. Ambrose Goodwin, counsel for Mrs. Thomas, said that he would take an immediate appeal on Justice Young's decision. A motion is now pending before Justice Young for dismissal of the suit for want of due diligence, pending the trial of the separation suit brought by Mrs. Thomas.

Boy's Shout of "Fight" Threatens Theater Panic

Cry Mistaken for "Fire" and Women Begin Stampede, but Policeman Calms Fears

Panic among the 600 men, women and children who attended the showing of a Western motion picture in the Windor Theater, at 412 Grand Street, yesterday afternoon seemed imminent when a small boy's shout, "It's a fight!" referring to a scene in the picture, was interpreted by a woman in the audience, "There's a fire!"

Women screamed and several mothers grabbed their children and started for the back of the theater. Others began to rush for the exits and a general stampede was threatening. A small boy rushed from the theater, turned on an alarm and called Patrolman Thomas Glenringer, of the Clinton Street station.

The policeman ordered the manager to turn on the lights. Glenringer then walked down the aisles and assured those running for the doors that "the fire is out." A moment later a fire battalion chief and his men pushed into the place, and trouble seemed to break out anew, until the nimble patrolman shouted, "All right, Chief, it was a false alarm." Not until the audience had been reassured and the picture was being shown again did the patrolman learn that there wasn't any fire at all.

106th Legion Inf. Post Dedicates New Building

The 106th Infantry Post of the American Legion yesterday dedicated the building at 201 Willoughby Avenue, Brooklyn, which it has acquired for its headquarters. At the same time memorial services were held for the men of Brooklyn who died in the war.

There was a parade starting from the armory at Bedford and Atlantic avenues and passing in review before the new memorial building. Colonel William A. Taylor was the grand marshal and behind him were 1,400 members of the 106th in uniform and more than 400 veterans in civilian clothes.

The services were held in the main room of the building, which used to be the Willoughby Congregational Church. James B. Cook, post commander, presided.

The speakers were the Rev. Edward J. Higgins, Dock Commissioner Murray Halbert, representing Mayor Hylan; Judge James Dunn, representing Borough President Riegelmann; Major William F. Deegan, state commander of the American Legion; General George A. W. Gage, chairman of the Welfare Committee of Kings County American Legion; Captain Donald C. Strachan, chairman, 2d District of the American Legion; Captain Frank Hancoson of the 106th, the Rev. S. Parkes Cadman and the Rev. Harry A. Handel, and L. A. Pilcher, National Commander of the G. A. R.

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